

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES RICHARD AYRE,

Petitioner,

Case No. 06-11327

HON. JOHN CORBETT O'MEARA

v.

WILLIE O. SMITH,

Respondent,

_____/

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is a report and recommendation to deny Petitioner's application for a writ of habeas corpus, filed by Magistrate Judge Paul J. Komives on July 19, 2012. Petitioner filed an objection to the report and recommendation on August 3, 2012.

This Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. 28 U.S.C. § 636(b)(1)(C). The Court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." Id.

Having thoroughly reviewed the papers, the Court finds that the Magistrate Judge correctly concluded that Petitioner's application for a writ of habeas corpus should be denied. Accordingly, IT IS HEREBY ORDERED that the report and recommendation is ADOPTED in its entirety as the findings and conclusions of this Court.

s/John Corbett O'Meara

United States District Judge

Date: October 31, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 31, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz

Case Manager